PATENT

REMARKS

Claims 9 and 31-40 are pending in the application. Claims 9, 33, 36, and 39 are independent.

Claims 9 and 31-40 have been rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 5,522,075 ("Robinson") in view of U.S. Patent Application No. 2002/0069335 ("Flylnn").

In response, claims 9, 33, 36, and 39 have been amended to clarify at least one distinction between the present invention and Robinson and/or Flylnn. Specifically, amended claim 9 requires the identifying and determining to be *within said processor mode*. The examiner cites paragraphs 0009 and 0010 of Flylnn as describing the determining. However, Flylnn describes the control program gaining control for the determining, which is the opposite of the determining within said processor mode of the present invention.

Therefore, Robinson and/or Flylnn do not render obvious any of independent claims 9, 33, 36, or 39, or of any of their dependent claims. Accordingly, the withdrawal of the rejections of claims 9 and 31-40 is respectfully requested.
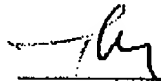
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CONCLUSION

Based on the foregoing, it is respectfully submitted that the rejections of claims 9 and 31-40 have been overcome, and that claims 9 and 31-40 are in condition for allowance. The issuance of a Notice of Allowance is therefore requested. Please charge any necessary fees, including extension fees, to our Deposit Account No. 50-0221.

Respectfully submitted,

Date: <u>September 3, 2009</u>

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